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LYNN FAZZ
CLERK OF SUPERIOR COURT
YUMA ARIZONA 85364

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF YUMA

IN THE MATTER OF:)	Administrative Order
LEONARD A. RIENDEAU)	No. 2016-02
And H. LORRAINE RIENDEAU)	and
husband and wife)	Amending Admin Order 2013-05
_____)	

The above matter has been referred to the undersigned by the Honorable Larry Kenworthy to address continuing concerns that the Riendeaus are vexatious litigants in on going litigation in Yuma County Superior Court Case #S1400CV201001521, Riendeau v Thomas, Thomas, Markson, PC et al.

This court previously entered Findings and Orders under Administrative Order 2013-5 finding the Riendeaus to be vexations litigants in case #S1400CV200600284 Riendeau v Walmart. The undersigned at that time ordered that the Riendeaus, individually and jointly were precluded from filing any further pleadings or motions pertaining to Riendeau v Walmart without permission of the Presiding Judge. Unknown to the undersigned at the time, the Riendeaus had another pending lawsuit Riendeau v Thomas, Thomas and Markson PC et al, and above referenced. The defendants in that case are the attorneys who represented Walmart in the first case.

At the time the undersigned entered Administrative Order 2013-5, A.R.S. §12-3201 pertaining to vexatious litigants had not yet become law. A.R.S. § 12-3281 sets forth the

1 requirements and the protocol for the court to make findings and to issue orders with regards to
2 vexatious litigants. These statutory requirements are consistent with pre-existing case law of
3 *Madison v Groseth* 230 Ariz 8 (App 2012) and *DeLong v Hennessey* 912 F 2d 1144 (9th Circuit
4 1990).

5 Over the course of the *Riendeau v Walmart* and *Riendeau v Thomas et al*, litigation, there
6 have been four appeals to the Arizona Court of Appeal filed by the Riendeaus. None have been
7 successful. In the memorandum decision filed on October 2, 2012 in *Riendeau v Thomas et al*,
8 the Appellate Court noted that the present case was directly related to the *Riendeau v Walmart*
9 case and held that the Riendeau's claim for damages against the law firm for alleged fraud had
10 no merit.

11 The Riendeaus filed a second appeal following the above memorandum decision and
12 once again on April 21, 2015, the Appellate Court concluded the following:

13 Appellants present no meritorious legal claim and seek to litigate issues that are
14 not properly before us and that have been decided against them repeatedly in prior
15 proceedings. Appellants have grossly expanded the legal proceedings that
16 commenced in 2006 (*Riendeau v Walmart*), unduly, burdening opposing parties
17 and the judicial system in the process. We therefore, award Appellees their costs
and attorney fees on appeal upon compliance with ARCAP 21.

18 In entering its findings and orders in this administrative order, the undersigned adopts all
19 of the facts as set forth in all four appellate decisions.

20 It would appear that final judgment has been entered in *Riendeau v Thomas*, *Thomas and*
21 *Markson et al.*, however, given the past vexatious behavior of the Riendeaus that may not be the
22 case.

23 On February 16, 2016, counsel for the defendants *Thomas, Thomas and Markson, P.C.*
24 filed a Motion for Order Declaring Plaintiffs Vexatious Litigants and have requested that the
25 Plaintiffs, jointly and severally be declared to be vexatious and to restrict them from filing any
26 further pleadings, including any derivative lawsuit and post judgment motions, to include the
27 presently named defendants, their employees, their attorney Daniel A. Zanon, any future attorney
28

1 or agent, Allied World National Assurance Company, and all principal, subsidiaries and their
2 employees.

3 Defendant's motion is well taken. In fact, every criteria set forth under A.R.S. 12-3201 E
4 1 and 2, except ie have been unequivocally documented. Plaintiff's conduct in both lawsuits
5 clearly evidences their intent to harass, by litigation anyone or any entity remotely connected
6 with their earlier original litigation involving Walmart. This litigation is replete with frivolous
7 and redundant motions, pleadings and requested relief previously denied. This includes the
8 substance of the complaint filed against the defendants Thomas, Thomas and Markson P.C. et al,
9 which had no merit whatsoever. Plaintiff's entire conduct, the undersigned concludes is without
10 any justification, not just "without substantial justification".

11 The judicial system is available to all with access to the courts available to resolve
12 meritorious and legitimate controversies. The Riendeaus have been repeatedly sanctioned and
13 ordered to pay attorney fees. No pro se litigant(s) should be denied access to the courts unless it
14 is clear that they are vexatious. The Riendeaus have previously been found to be such and once
15 again, qualify as such.


16 **IT IS ORDERED**, effective immediately, the following:

- 17 1. Amending Administrative Order 2013-5 to include these findings and orders.
- 18 2. Ordering the Riendeaus not file any new pleadings, motions or other document in
19 S1400CV201001521 Riendeau v Thomas, Thomas and Markson P.C. et al without
20 prior leave of the court.
- 21 3. Ordering the Riendeaus to not file any new lawsuit or complaint against the
22 defendants, their principals or employees, their attorney or agent(s) Allied World
23 National Assurance Company and all principal, subsidiaries and employees anyone
24 connected with case S1400CV200600284 Riendeau v Walmart without prior leave of
25 the court.
- 26 4. Ordering the Riendeaus not file any new lawsuit or complaint against any individual
27 or entity without the Clerk of the Court first advising the Presiding Judge of the new
28 litigation and providing copies of the pleadings and documents for the Presiding

Judge to review and determine if the new litigation is derivative or in any way related to the prior cases.

5. **IT IS FURTHER ORDERED** that a copy of this administrative order shall be mailed to the Riendeaus and the defendants Thomas, Thomas, Markson P.C. and their attorney.

DATED: February 23, 2016.


Honorable John N. Nelson
Presiding Judge

COPIES TO:

Hon. Larry Kenworthy
Hon. John Paul Plante
Hon. Mark Wayne Reeves
Hon. Maria Elena Cruz
Hon. David M. Haws
Hon. Kathryn Stocking-Tate
Hon. Stephen J. Rouff
Hon. Lisa Bleich
Hon. Lynn Fazz, Clerk of Superior Court
Margaret C. Guidero, Court Administrator
Kathy Schaben, Trial Court Administrator
Dona Miller-Robbins, Caseflow Manager

THOMAS, THOMAS & MARKSON
Benjamin C. Thomas
Monique A. Simpson
2700 North Central, Suite 800
Phoenix, AZ 85004

Daniel A. Zanon
Biltmore Corporate Park
6245 North 24th Parkway, Suite 209
Phoenix, AZ 85016

Leonard A. Riendeau and
H. Lorraine Riendeau
2016 Camino Barranca
Yuma, AZ 85364